

MARYLAND STATE HIGHWAY ADMINISTRATION
OFFICE OF PROCUREMENT AND CONTRACT MANAGEMENT
CONSULTANT SERVICES DIVISION
707 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

August 26, 2022

Contract No.: BCS 2022-09
Description: Planning, Engineering,
Construction Management, and
Program Support Services, Statewide

REQUEST FOR TECHNICAL PROPOSAL ADDENDUM NO. 2

To All Consultant Candidates:

Please be advised that the Request for Technical Proposal (RFTP) delivery date for this contract is **12:00 PM (NOON) on September 14, 2022**. All other dates on the RFTP remain the same.

This addendum is being issued on the Advertisement for BCS 2022-09. All prospective Consultants must acknowledge the clarifications, revisions, additions and/or deletions listed below for this Request for Technical Proposal Addendum No. 2 by signing, dating and attaching this addendum in the front of their Request for Technical Proposal submittal. Failure to attach this signed and dated Addendum No. 1 in the Request for Technical Proposal submittal may result in rejection.

The attention of prospective candidates is directed to the following clarifications, revisions, additions and/or deletions to the Request for Proposal.

RED LINE REVISIONS (RLR)

Please note the following Red Line Revisions for the **Request for Technical Proposal**.

RL01:

~~Before a business entity can do business in the State of Maryland, it must be registered with the State Department of Assessments and Taxation (SDAT). SDAT is located at State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. The SDAT website is <http://sdattax.maryland.gov/RealProperty/Pages/default.aspx>. It is strongly recommended that any potential Offeror complete registration prior to the due date for receipt of Proposals. An Offeror's failure to complete registration with SDAT may disqualify an otherwise successful Offeror from final consideration and recommendation for contract award.~~

RLR1:

In order to do business with the State of Maryland, a firm or joint venture must be registered and in good standing with the State Department of Assessments and Taxation (SDAT,

<https://dat.maryland.gov/>) and current in payment of all taxes owed. Failure to do so may result in being deemed “non-responsible” under COMAR 21.01.02.01B(77).

The procurement officer must verify that the recommended awardee, whether a single firm or a joint venture, is in good standing before a contract is presented to the Board of Public Works (BPW) for approval.

CONSULTANT QUESTIONS

- Q1. On Page 20 of the RFP, under the Oral Presentation, one of the bullets says “... presentation and as involved in open discussion”. Please clarify if the “open discussion” is with MDOT SHA or amongst the proposal team? Is there a Questions and Answer time component for open discussion within the 2-hours and if yes, how much time should be allotted for Q&A?
- A1. **The “open discussion” will allow the Consultant to be able to present their proposal. In order to keep the selection process fair MDOT SHA will not ask any questions during the Oral Presentations. The 2-hour time limit is for the proposal teams to use as they wish to address the items listed in the RFP.**
- Q2. Would it be permissible for firms to submit the Time Distribution table on 11x17 page size with 1-inch margins?
- A2. **Yes, Consultants are eligible to submit the Time Distribution table on 11x17 page with 1-inch margins.**
- Q3. If Q&A is included in the 2 hours allotted for the overall presentation, is there a specific time allotment for the Q&A session?
- A3. **See A1 above**
- Q4. Will MDOT SHA consider the support personnel matrix to be more than one page?
- A4. **MDOT SHA will accept up to a two-page submission for a support personnel matrix.**
- Q5. Will the support personnel matrix be scored?
- A5. **The Support Personnel Matrix is not scored.**
- Q6. Since the Time Distribution section is not rated, will MDOT SHA accept a one pagone-page distribution section that includes 1) a statement clearly attesting that the offeror will meet the time distribution requirements as outlined in the RFP and 2) the number of simultaneous project assignments the Consultant and each Subconsultant could handle individually?
- A6. **Offerors will submit two (2) pages of information as requested in the Advertisement.**

- Q7. Page 12, Section 9, Item D in the RFP states a firm must provide: Completed US Government Standard Forms (SF) 330 Parts I and Parts II for the Prime and for each proposed subcontractor. Please confirm SF330 Parts I and Parts II are required for the Prime but only Parts II are required for each proposed subcontractor as part of a Prime's overall proposal submittal.
- A7. **Offerors shall submit SF 330 Part I and Part II in order to document the team(s) used to accomplish the scope of work outlined in the advertisement. SF 330 Part I includes “Contract-Specific Qualifications” and may include information from both the prime/JV and sub-consultants. Part II is needed for the prime/JV only.**
- Q8. BCS 2022-09
Hello,
Will MDOT SHA allow key personnel resumes to be two pages each?
Thank you for your time, *[consultant redacted]*
- A8. **Per the RFP page 13, section (iii); Key Staff individuals are limited to one (1) Key Staff per page, not to exceed five (5) pages total**
- Q9. Hello,
For the SF330 Part I Section E Resumes, what is the page limit, if any?
You're time is appreciated. Thank you, *[consultant redacted]*
- A9. **See A8 above**
- Q10. How is this different than the current process that's taking with Transurban and their team? Is this not similar to the process that is happening for the enlargement of 495 and 270?
- A10. **The subject contract series is for planning, engineering, construction management, and support services for traditional and alternative delivery projects in support of the MDOT SHA I-495 & I-270 P3 Office. Accelerate Maryland Partners, including Transurban and other companies, is the Phase Developer who is soliciting separate design-build team(s) for the design and construction of Phase 1 of I-495 & I-270 P3 Program or Op Lanes Maryland Program.**
- Q11. The scope of services I didn't specifically see CPM review for Claims Analysis review listed in the scope, I was wondering if that is part of the scope?
- A11. **Yes. CPM review for Claims Analysis review may be performed in the scope of services of these contracts.**
- Q12. As I understand it this is the P3 project and there are different ways that you know different companies are participating in this project. Looks like this is with the owner side. So, is there any list of the companies which are already conflicted out from submitting to this bid? So, you guys have that one or any potential bidders list so that DBE company as a small business, we can approach those companies?

A12. Yes. These contracts will support the owner, MDOT SHA. Firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. A firm on BCS 2022-09 cannot work for a P3 Developer team and fulfill its obligations to MDOT SHA under this contract. Therefore, that firm would need to be released from any and all obligations from the P3 Developer to participate as a firm on BCS 2022-09. MDOT SHA is unable to provide the requested list of conflicted firms.

Q13. When there is a team and the team gets awarded the project, after being awarded if they want to use other DBE, can they use anyone that is DBE approved and qualified to do the tasks or do they have to still send it to MDOT for the approval of that subconsultant? Once a Team is formed and the contract is awarded, they for some reason that team could not perform some work. Can they pick any approved DBE subcontractor like an engineering firm that is DBE approved to perform that task or do they have to submit back to MDOT to replace or to add another subcontractor to perform the project?

A13. After contract award, the successful offeror would submit any and all proposed DBE changes to MDOT SHA for their review. All proposed changes must be related to a task or work order and include supporting documents. Each request is reviewed individually and would be responded to after review. MDOT SHA has processes in place for DBE changes, DBE additions, etc. MDOT SHA always confirms proposed DBE subconsultants are listed in the MDOT Directory and that their NAISC codes align with the scope of work.

Q14. Is this a new contract or is this an incumbent?

A14. This procurement is a new contract series.

Q15. If a DBE/MBE firm decides to pursue as a Prime. How much does that count towards the goal?

A15. They would count at 100% but we will strongly encourage they would utilize other DBE firms in addition to themselves.

Q16. Can you elaborate on training services that were mentioned, is there any way you can elaborate on what kind of training that would be? This was mentioned in the scope and the different services that was needed.

A16. The training in the scope of services is related to supporting disadvantaged business and workforce development programs, such as on-the-job training.

Q17. There is other procurements other than GEC which through Transurban, or the design build Team that is pursuing this P3 contract and it will be nice to get some clarity on which firms, who is conflicted and who is not to go after this GEC?

A17. Firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract.

A firm on BCS 2022-09 cannot work for a P3 Developer team and fulfill its obligations to MDOT SHA under this contract. Therefore, that firm would need to be released from any and all obligations from the P3 Developer to participate as a firm on BCS 2022-09. MDOT SHA is unable to provide the requested list of conflicted firms.

Q18. Couple of questions, I believe it's a three to five years contract open end contract? So its like an IDIQ contract and there will be different task orders coming out of it? There is possibility that it might be a multiple firm contract or only one firm will be given the whole entire contract? \$75 million is the CM cost not the cost for construction management services?

A18. The procurement advertised includes three (3) contracts valued at \$75 million each and a total value not to exceed \$225 million. All three (3) contracts will be for a five (5) year duration and will be Indefinite Delivery / Indefinite Quantity (IDIQ). MDOT SHA will issue task orders after successful contract award. Offerors are only able to be a prime/JV consultant on one (1) contract – offerors are not able to be awarded more than one (1) contract.

Q19. Are there any smaller portions reserved for small businesses or small business reserve DBE/MBE, that they will be advertised down the road, small task orders only reserved for smaller firms?

A19. The procurement advertised has a DBE goal set at 28%. The prime/JV offerors selected for contract award will be responsible for meeting or exceeding that goal. Goals are obtaining through the issuance of task orders after contract award. MDOT SHA will work with the selected awardees on meeting the DBE goal while completing the requirements of the task order.

Q20. The smaller firms cannot compete with the larger firms on the technical side, financial side, and everything else. Would there be any smaller task orders? So, lets say maybe \$500,000 or something reserved for small business reserve SBR or DBE/MBE firms so they can get a direct contract with the agency?

A20. These contracts are not designated to be SBE. There is a 28% DBE goal accounting for \$63 million in total contract authority for this contract series (28% of \$225 million).

Q21. MBE liaison Lisa Grant said that if an MBE self performs it will be 100% counted. That's new, generally state law it will be counted at 50% of the MBE goal. If I am correct for this contract, self-performing MBE will be only counted 10%. Now I have 2-3 different statements, can you clarify about that?

A21. This contract is a Federally funded. For Federally funded contracts DBE Prime participation counts at 100%. For State funded contracts MBE participations counts at 50%. No, 10% is not counted for this contract. This is a 100% DBE Prime participation that will count towards the goal.

Q22. For MBE/DBE firms, will they be conflicted out if they are on the design build team, P3 team, is there any policy for that?

A22. Yes. They will be conflicted out if they are on the design build team with Accelerate Maryland Partners. Firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. A firm on BCS 2022-09 cannot work for a P3 Developer team and fulfill its obligations to MDOT SHA under this contract. Therefore, that firm would need to be released from any and all obligations from the P3 Developer to participate as a firm on BCS 2022-09. Section 6. General Requirements of the Request for Proposals.

Q23. When do you expect the design build contract will be awarded on the Transurban side?

A23. MDOT SHA cannot provide a date for this as it is not a MDOT SHA procurement. You would need to contact Accelerate Maryland Partners for information related to that procurement

Q24. Is it State Highways intent to use all three of these contracts to manage AM partners 495 to 70 project?

A24. The subject contract series is for planning, engineering, construction management, and support services for traditional and alternative delivery projects in support of the I-495 & I-270 P3 Office. Tasks will be issued on the contracts that result from this solicitation. Tasks assigned may be in support of Phase 1 South, I-495 & I-270 Managed Lanes Study, I-270 Pre-NEPA, I-270 NEPA, or any other work in the scope of the services of the contracts.

Q25. I am assuming they will be sectioned off each GEC has a certain corridor or is there any groundwork on that yes?

A25. See A 24 above.

Q26. The current GEC, I guess its 2018 its expected to expire in 2024. Will there be any relationship between these GEC you're putting out now and that one or just replace the other? These three will play through one or will the original 2018 contracts do have some sort of role on the contracts.

A26. There will be a transition to continue the services to the future.

Q27. There's a lot of people chasing the phase A and phase B contracts and we don't know anything as far as award. When you're reviewing the precluded firms is how the intent to award going to be considered when that's not really contract award? How are you handling the firms that should win phase A or phase B contract? How are those firms going to be considered for preclusion from this contract?

A27. Firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. A firm on BCS 2022-09 cannot work for a P3 Developer team and fulfill its obligations to MDOT SHA under this contract. Therefore, that firm would need to be released from any and all obligations from the P3 Developer to participate as a

firm on BCS 2022-09. Section 6. General Requirements of the Request for Proposals.

Q28. BCS 2022-09

Hello,

Page 2 of the RFP states the following requirement: “Before a business entity can do business in the State of Maryland, it must be registered with the State Department of Assessments and Taxation (SDAT)...It is strongly recommended that any potential Offeror complete registration prior to the due date for receipt of Proposals. An Offeror’s failure to complete registration with SDAT may disqualify an otherwise successful Offeror from final consideration and recommendation for contract award.” Please confirm that the individual firms comprising a joint venture must be registered in SDAT but that the joint venture as a business entity is not required to be registered in SDAT - or please provide clarification.

Thank you,

[consultant redacted]

A28. See RLR1 Above

Q29. BCS 2022-09

Hello,

Can the 2-page Time Distribution section be submitted on 11x17 inch pages?

Thank you,

[consultant redacted]

A29. Yes, Consultants are eligible to submit the Time Distribution table on 11x17 page with 1-inch margins.

Q30. MDOT SHA indicated that they would consider providing a list of firms who are conflicted from participating in this procurement. If that is not provided, it may create a situation where a Prime inadvertently includes a subconsultant (including a DBE firm) on their team who has a conflict. This could affect the Prime’s compliance with the stated DBE goals on the contract. If no list of conflicted firms is provided, will MDOT SHA allow firms to cure or remedy any conflicts that may arise if a proposed subconsultant is found to have a conflict at any point in the procurement process? And can MDOT SHA confirm that this will not result in disqualification based on DBE compliance if MDOT SHA chooses not to provide a list of firms who are conflicted from this opportunity?

A30. MDOT SHA is unable to provide the requested list of conflicted firms. MDOT SHA does not have knowledge of firms intending or proposing to do business with Accelerate Maryland Partners and/or the contracts they are procuring. See Addendum #1, A9. “Firms are not permitted to work on any team at any tier for any P3 agreement related to the I-495 & I-270 P3 Program concurrent with a BCS 2022-09 contract. A firm on BCS 2022-09 cannot work for a P3 Developer team and fulfill its obligations to MDOT SHA under this contract. Therefore, that firm would need to be released from any and all obligations from the P3 Developer to participate as a firm on BCS 2022-09.” and Section 6. General Requirements of Request for Proposal. Any firm looking to do business with another firm should have specific conversations with the prospective partner firm to understand any

existing or intended involvement with other contracts that pose potential conflict of interest. If a conflict of interest is discovered with a sub-consultant, the Prime will have the opportunity to remedy the conflict.

Q31. In Section 10. Oral Presentation, the RFP states that the Oral Presentation will be a total of two (2) hours. Is there a desired breakdown in time for the presentation and time for open discussion and question and answer following the oral presentation?

A31. Consultants may use the time as they wish. The “open discussion” will allow the Consultant to be able to present their proposal. In order to keep the selection process fair MDOT SHA will not ask any questions during the Oral Presentations. The 2-hour time limit is for the proposal teams to use as they wish to address the items listed in the RFP.

Q32. In Section 10. Oral Presentation, the RFP states: Attendance will be limited to ten (10) individuals. The presentation shall be led by the proposed Lead Manager and all proposed Key Staff shall present as part of the Oral Presentation. The remainder of the individuals attending the Oral Presentation and level of participation is up to the Firm; however, all attendees shall be employees of the Prime Firm/JV and/or Sub-Consultants. Will sub-consultants that are on multiple teams be allowed to participate in the oral presentation for more than one team? Will sub-consultants that are on multiple teams be allowed to participate in the open discussion and question and answer following the oral presentation?

A32. If a person or subconsultant is a member of multiple Offerors Teams, they are still required to attend for those Teams. Per Section 10 of the RFP; Only those Firms that have been determined by MDOT SHA to have met the minimum Key Staff, Example Projects, and other specified requirements will be scheduled for an Oral Presentation. Attendance will be limited to ten (10) individuals. The presentation shall be led by the proposed Lead Manager and all proposed Key Staff shall present as part of the Oral Presentation. The remainder of the individuals attending the Oral Presentation and level of participation is up to the Firm; however, all attendees shall be employees of the Prime Firm/JV and/or Sub-Consultants. No additional individuals will be allowed to attend the Oral Presentations, even in a support role. No access to the virtual presentation room will be provided prior to the Oral Presentation start time.

Q33. Following the oral presentation, will the review panel be asking prepared cold-questions?

A33. No, the review panel will not ask cold questions.

Q34. Is SF 330 Part I Section G required? It is not mentioned anywhere in the RFP.

A34. Yes, Section G is required, per RFP standard Part I and Part II

Q35. The directions for SF330 Part 1 Section F 25 Firms from Section C Involved with this Project, request to “indicate which firms (or branch offices, if appropriate) on the project team were involved in the example project, and their roles. List in the same order as Section C.” For large project experience, Section F 25 could include 10 or more lines for

this section utilizing more than half of the single page. Will SHA consider extending the example projects to two pages per project for a total of six pages?

A35. Yes, MDOT SHA will allow two pages for the example project making it a total of six pages.

Q36. Section 9: G, page 17. The Time Distribution estimated percentages include 8% set for survey related services. Can you confirm that this level of survey services is required as part of this contract? If not, can Time Distribution percentages be adjusted?

A36. Yes, MDOT SHA will uphold the Time Distribution estimated percentage of 8% that has been set for survey related services.

Q37. Section 8. Can you provide a more detailed breakdown of the presentation scoring factors?

A37. MDOT SHA cannot elaborate on the breakdown of any criteria. Offers are to note per page 10 of the RFP Evaluation Criteria the following breakdown. Oral Presentation 45%, Key Staff 35%, Specialized Expertise 15%, and Organizational Chart 5%.

Q38. Section 8. Will key staff, org chart, and specialized experience score be determined by the technical proposal only or will the score be updated after the presentation?

A38. The key staff, organizational chart, and specialized experience will be rated individually as referenced in the RFP. The Oral Presentation will be rated separately as is every section of the RFP.

Q39. For Phase 1 South will SHA utilize the 3 contracts to create a single GEC to oversee the delivery of the project or assign independent tasks to each of the three teams?

A39. The subject contract series is for planning, engineering, construction management, and support services for traditional and alternative delivery projects in support of the I-495 & I-270 P3 Office. Tasks will be issued on the contracts that result from this solicitation. Tasks assigned may be in support of Phase 1 South, I-495 & I-270 Managed Lanes Study, I-270 Pre-NEPA, I-270 NEPA, or any other work in the scope of the services of the contracts.

Q40. Would MDOT SHA consider holding the presentation in person?

A40. No, MDOT SHA will not hold the presentation in person.

Q41. Are all subconsultants required to submit Bid / Proposal Affidavit Form, Certification Regarding Discriminatory Boycotts of Israel form, Certification Regarding Investments In Iran, and SF330 Part II's?

A41. No, the subconsultants are not required to submit the referenced affidavits. MDOT SHA requires the Prime offeror to submit the referenced affidavits and ensure the

selected sub-consultants adhere to the requirements/certifications within the documents.

THE SIGNED ADDENDUM MUST BE INCLUDED IN THE REQUEST FOR TECHNICAL PROPOSAL IN FRONT OF THE TRANSMITTAL LETTER.

Jada Wright

Jada J. Wright, Director,
Office of Procurement and
Contract Management

August 26, 2022

Date

(Company)

(Signature-Authorized Official)

Title

Date

The time period for questions has expired; therefore, no additional questions will be accepted or answered by MDOT SHA.